

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PINPOINT INCORPORATED,

Plaintiff,

v.

HOTWIRE, INC.,

Defendant.

Civil Action No. 1:11-cv-05597

Honorable Amy J. St. Eve
Magistrate Judge Morton Denlow

JOINT STATUS REPORT

Pursuant to the Court's October 16, 2014 Order, Dkt. No. 148, Plaintiff Pinpoint Incorporated ("Pinpoint") and Defendant Hotwire, Inc. ("Hotwire") (collectively the "Parties") hereby submit their Joint Status Report.

I. PENDING MOTIONS

Two issues are currently pending before the Court:

1. Claim Construction

The Parties submitted claim construction briefing relating to the three asserted U.S. Patent Nos. 5,754,938; 7,853,600; and 8,056,100 between October and December of 2013. (See Dkt. Nos. 120, 127, and 128). A claim construction hearing was held on March 18, 2014. (See Dkt. Nos. 132 and 133). No ruling has been issued.

2. Hotwire's Motion to Reconsider Issues of Indefiniteness

The parties previously briefed whether certain terms of the asserted patents were indefinite under 35 U.S.C. § 112. On March 20, 2013, Judge Grady issued a Memorandum Opinion and Order denying Hotwire's motion for invalidity of the '938 Patent, the '600 Patent, and the '100 Patent based on indefiniteness. Hotwire subsequently moved for reconsideration of the court's opinion regarding indefiniteness based on the Supreme Court's recent decision in

Nautilus, Inc. v. Biosig Instruments, Inc., 134 S. Ct. 2120 (2014) (see Dkt. Nos. 141 and 142).

The Parties submitted briefing regarding Hotwire's motion for reconsideration. (See Dkt. Nos. 145 and 146). No ruling has been issued.

II. STATUS OF DISCOVERY

The Scheduling Order in this case provided for narrow discovery prior to claim construction. (Dkt. 109). In accordance with the Scheduling Order, Hotwire produced a narrow category of documents, Pinpoint provided its initial infringement contentions, and Hotwire provided its initial prior art disclosures. The Parties have not yet exchanged full sets of document requests. The Parties have not yet exchanged interrogatories or taken depositions.

III. STATUS OF SETTLEMENT DISCUSSIONS

The Parties have had limited discussions concerning settlement.

IV. STATUS OF THE CASE

Pinpoint filed its complaint asserting three patents against Hotwire, Inc., Groupon, Inc., L.L. Bean, Inc. and Orbitz, LLC on August 16, 2011. Only Hotwire remains in this case. Pinpoint Hotwire have exchanged limited discovery as provided for by the Scheduling Order. The Parties are currently awaiting a ruling on the issues of indefiniteness and claim construction. The Parties propose that fact discovery commence once these two issues have been decided.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 24, 2014 the foregoing:

JOINT STATUS REPORT

was filed with the Clerk of Court pursuant to the Court's CM/ECF procedures which will notification of such filing to the following counsel of record.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

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